

Notice of Allowability

Application No.

10/758,650

Examiner

NEIL LEVY

Applicant(s)

WELCH ET AL.

Art Unit

1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview of 4/20/06.
2. ☒ The allowed claim(s) is/are 1,3-9,11,12,14,17,18,20 and 21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 8/2/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other FIG. are OK.

Art Unit: 1615

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with ATTORNEY CARL SCHWARTZ on 4/26/07

The application has been amended as follows:

In CLAIM 1: in line 5, after the first word PASSAGES, insert the following:

the substrate having a pore size of between 15 um and 30 um;

in the last line, after the last word insert the following :

; and wherein the polymeric material is selected from the group consisting of polyalkylsiloxanes and polyalkylarylsiloxanes where an alkyl group in the polysiloxane is a C1 to C10 alkyl group, phenolic materials, polyurethanes and fluorocarbon polymers

in CLAIM 3: after the word MATERIAL in line 2, insert the following:

comprising pyrethrum

and in line 6, after the word PASSAGES, insert the following:

the substrate having a pore size of between 15 um and 30 um;

in CLAIM 6: delete "claim 2 " in line one, & insert in it's place " claim 1 "

Art Unit: 1615

in CLAIM 11: delete "claim 10 " in line one, & insert in it's place " claim 1 "

in CLAIM 14 : delete "claim 13 " in line one, & insert in it's place " claim 1 " ,
and in line 2, delete "phenolic" & insert in it's place "polymeric"

in CLAIM 17: delete "claim 16 " in line one, & insert in it's place " claim 1 "

in CLAIM 20: delete "claim 1 " in line one, & insert in it's place " claim 3 "

in CLAIM 21: delete "claim 19 " in line one, & insert in it's place " claim 3 ",
and in line 2 delete " is" , & insert in it's place " comprises "

CANCEL Claims 2 , 10, 13,15,16,19 , and 22- 27

The following is an examiner's statement of reasons for allowance: The claims of impregnated substrates as amended are neither suggested or anticipated by the prior art of record. The species election requirement is withdrawn, as the elected species as searched in amended claims was not found, & the species now claimed were not evident in an updated search. The method claims 22-27 constitute a different invention exclusive of the allowable impregnated substrates, & are not themselves allowable . They were withdrawn without traverse, and consequently are now cancelled.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably


Art Unit: 1615

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEIL LEVY whose telephone number is 571-272-0619. The examiner can normally be reached on Tuesday-Friday, 7 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL WOODWARD can be reached on 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


NEIL LEVY
Primary Examiner
Art Unit 1615